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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In Re:)
)
Amendment of Section 73.202(b)) MM Docket 98-_____
Table of FM Allotments)
(Weston, OR))

FCC MAIL ROOM

To: John Karousos
Chief, Allocations Branch

128-3 1998

PETITION FOR RULE MAKING

RECEIVED

Pursuant to Sections 1.401, 1.420(g)(3) and 1.420(i)(1) of the Commission's rules, Dayton Broadcasting Company -- licensee of station KZZM (FM), Dayton, WA -- respectfully submits this Petition for Rule Making to amend the FM Table of Allotments to delete channel 272A at Dayton, WA, to allocate channel 270C2 to Weston, OR and to modify of the license for station KZZM accordingly, so as to provide a first local service for Weston, OR.

Upon a grant, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Dayton, WA	223C1, 272A	223C1
Weston, OR	--	270C2

The coordinates for Weston, OR are 45-48-50 North and 118-25-25 West. From the Weston coordinates, channel 270C2 would be short-spaced to KZXR(FM), channel 269C3 at Prosser, WA. To meet the spacing requirements of Section 73.207 of the Rules, a site must be located at least 6km (3.73 miles) east southeast of Weston. Petitioner has chosen a site that meets the spacing requirements, whose coordiantes are 45-47-12 North and 118-15-46

4

West.^{1/} If this Petition is granted, a CP will be requested and a new facility built.

PRELIMINARY STATEMENT

The allocation reference point in this Petition complies with the minimum distance separation requirements set forth in Section 73.207 of the FCC's rules. See Engineering Declaration, attached hereto as Appendix A (Table I). The modification of license and change of community can be made in this proceeding since the modification will occur on a mutually exclusive adjacent channel. See 47 CFR 1.420(g)(3) and (1).

The requested change in allotments will not deprive Dayton, WA, of its only local aural service^{2/} and will result in a "net service benefit for the affected communities." See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

Discussion

I. WESTON IS A "COMMUNITY" FOR FCC ALLOTMENT PURPOSES

1. The Communications Act requires the FCC to allot all radio frequencies in a "fair" manner among the nation's various "communities." See 47 USC 307(b). Accordingly, the FCC historically has endeavored to allot radio frequencies to any "communi-

^{1/} This is the same site proposed by KLRF (FM), who proposes to serve Milton-Freewater, OR.

^{2/} Channel 223C1 is allocated to Dayton, WA, and is presently licensed to KZHR (FM).

ty" -- regardless of size and whether or not incorporated ^{3/} -- that constitutes a "geographically identifiable population grouping." See FM Channel Policies/Procedures, 90 FCC 2d 88, 101 (1982).

2. Weston is designated in the 1990 Census as a "city," with a 1990 population of approximately 606 persons. It is located outside of any urbanized area. Weston's Census designation is a legally sufficient basis under FCC precedent to demonstrate its status as a community. ^{4/}

II. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS

3. The proposal meets the FCC's allotment requirements. See Modification of Community of License, supra, 4 FCC Rcd at 4873. Under this proposal, the city of Weston, OR, will gain its first local broadcast service, a factor of the highest priority in the FM allocation scheme. See Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 90-2 (1982). The entire city of Weston will receive city-grade service from the reference coordinates. See Appendix A at Figure 1 (City-Grade Coverage Map).

^{3/} See, e.g., Musical Heights, Inc., 29 FCC 1 (1960).

^{4/} See, e.g., Willows and Dunnigan, CA, RM-8416, 10 FCC Rcd 11522 (1995).

4. Moreover, Dayton, WA, will continue to receive local aural service.^{5/} Furthermore, the Dayton area is already well served by five (5) or more aural reception services.

5. In addition, under this proposal, KZZM will be able to upgrade its facilities so as to increase its service to 156% more people in a 212% larger area.

6. Finally, the loss of a second FM at Dayton, WA, is far outweighed by the overwhelming public benefits derived from providing a "first" local service to Weston, OR. See Modification of Community of License, supra, 4 FCC Rcd at 4874 ("a change in community of license that would result in a preferential arrangement of allotments should not [be] precluded because the licensee will no longer serve its original community of license").

CONCLUSION

7. In view of the foregoing, the FCC should issue a Notice of Proposed Rulemaking, proposing to delete channel 272A at Dayton, WA, to allocate channel 270C2 at Weston, OR and to modify KZZM (FM)'s license to specify operation at Weston, OR.

Respectfully Submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314

April 1, 1998

(703) 836-9400

cc: Thomas Hodgins (KZZM Local Public File)

^{5/} See note 2, supra.

DECLARATION

**in support of a
PETITION FOR RULE MAKING**

**Prepared For
DAYTON BROADCASTING COMPANY
KZZM-FM, DAYTON, WASHINGTON**

Lechman & Johnson, Inc.

DECLARATION

ENGINEERING STATEMENT

Peter W. Lechman says that he is an engineer and President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 9049 Shady Grove Court, Gaithersburg, Maryland 20877 and that his qualifications are a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by Dayton Broadcasting Company, licensee of FM Station KZZM, Dayton, Washington to prepare this Engineering Statement in support of a Petition for Rule Making to amend the TABLE of FM Assignments, Section 73.207(b), to allocate Channel 270C2 to Weston, Oregon and delete the assignment of Channel 272A at Dayton, Washington. It is proposed to amend the TABLE of FM Assignments as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Dayton, WA	223C1, 272A	223C1
Weston, OR	NONE	270C2

KZZM proposes to change city of license from Dayton, Washington to Weston, Oregon in order to provide a first local service for Weston, and upgrade from Class A to Class C2. The reference coordinates of Weston is as follows:

NAD-27

North Latitude: 45° 48' 50"

West Longitude: 118° 25' 25"

From the reference coordinates of Weston, Channel 270C2 is short-spaced to KZXR(FM), Channel 269C3, Prosser, Washington. To meet the spacing requirements of Section 73.207 of the Rules and Regulations, a transmitter site must be located 6 km (3.73 mi) east-southeast of Weston. KZZM has chosen a transmitter site that meets the spacing requirements and the selected site is identified as follows:

NAD-27

North Latitude: 45° 47' 12"

West Longitude: 118° 15' 46"

This site is proposed by KLR(FM), LifeTalk Broadcasting Association, proposing to serve Milton-Freewater, Oregon.

There are no broadcast stations or allotments assigned to Weston, Oregon. For Dayton, Washington, Channel 223C1 will remain assigned to that city. Channel 223C1 is presently licensed to KZHR(FM). According to the United States Department of

Lechman & Johnson, Inc.

**DECLARATION
ENGINEERING STATEMENT**

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Commerce, Bureau of the Census, the 1990 population figure for Weston city is 606 people. The city lies in Umatilla County, with a county population figure of 24,333 people. Reallocating upgraded Channel 270C2 to Weston will provide coverage within the 60 dBu contour to 85,554 people with an area of 8,619 sq. km. The present KZZM facility, KZZM's CP, the population within the 60 dBu contour is 33,363 people within an area of 2,760 sq. km. The upgrade in facilities would provide a 156% increase in population and an increase in area of 212%.

Moving KZZM(FM) to Weston and upgrading from Class A to Class C2 would not only improve service to a greater area and a larger population, but would utilize the channel as the most efficient use of the FM spectrum.

TABLE I is an FM channel study for Channel 270C2 from the specified transmitter site east southeast of Weston. As shown, Channel 270C2 from this site meets the requirements of Section 73.207 of the Rules and Regulations.

TABLES II and III show the predicted distances to the 60 dBu contours for KZZM at Weston and Dayton, the associated population and area figures.

FIGURE 1 is a map showing the predicted 70 dBu and 60 dBu contours for the proposed KZZM operation on Channel 270C2 and the city of license, Weston, Oregon. Weston lies within the proposed 70 dBu contour, thereby meeting the requirements of Section 732.315 of the Rules and Regulations.

EXHIBIT 2 is a map depicting the 60 dBu contours of KZZM's CP facility in Dayton and the proposed Class C2 at Weston, Oregon.

This instant proposal to reallocate the city of license and upgrade KZZM from Class A to Class C2 status meets all the FCC Rules and Regulations. The petitioner will file an application with the FCC to implement the proposed facilities.

I declare under penalty of perjury that the foregoing is true and correct.



Peter W. Lechman
Telecommunications Consultant
March 26, 1998

Lechman & Johnson, Inc.

TABLE I

***** FM CHANNEL STUDY NO. 1 - LECHMAN & JOHNSON, INC. GAITHERSBURG, MARYLAND - 26-MAR-98 10:44:46 *****

***** LAST UPDATE: 980321 *****

KZZM	270 C2	FM	POLARIZATION	ERP (KW)	HAAT	RCANSL
WESTON OR	US			HOR PLN	BM TILT	(METER)
45.4712	118.1546	(D.MMSS)	HORIZONTAL	35.000	0.000	178.0
			VERTICAL	35.000	0.000	178.0

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 35,000 (KW) 15.4 (DBK) HAAT= 178.0 (METERS)

INTERFERING	DOMESTIC
	DBU KM
CD CHANNEL (40.0)	133.5
1ST ADJACENT (54.0)	77.1
2ND ADJACENT (80.0)	20.0
3RD ADJACENT (100.0)	5.9

PROTECTED (60.0) 52.2

CITY GRADE (70.0) 32.6

AZIMUTH DEGREES	HAAT	HAAT	CONTOURS (KM)	
	(METERS)	(FEET)	70 DBU	60 DBU
0.0	400.8	1315.1	46.4	68.8
45.0	64.5	211.7	20.4	34.7
90.0	-237.4	-778.8	13.7	24.5
135.0	57.5	188.7	19.3	33.0
180.0	2.6	8.5	13.7	24.5
225.0	305.0	1000.8	41.3	62.2
270.0	344.7	1130.9	43.5	65.0
315.0	486.2	1595.1	51.1	74.9
AVERAGE	178.0	584.0	32.6	52.2

EST SITE ELEVATION : 1094.0 m.; 3589.3 ft.
EST RAD CENTER AGL : 45.0 m.; 147.5 ft.
RAD CENTER A.M.S.L.: 1139.0 m.; 3736.9 ft.

 THE CANADIAN BORDER IS 357.3 KM ON A BEARING OF 0.0 DEG. TRUE

AZIMUTH						LAT		LONG		ERP (KW)		HAAT D		I-CON		P-CON		IR		IC		REZLT	
FROM	TO	CALL	STS	FILE NUMBER	CITY	ST	C	(D.MMSS)	REL	CHN	HORZ	VERT	(M)	A	F5010	F5050	DIST	RSEP	RSEP	IR	IC	IR	IC
														(KM)	(KM)	(KM)	(KM)	(KM)					
16.8	196.9	KGTS	LIC	BLEDB60707KA	Collesse P	WA	A	45.5920	118.1029	IF	217C2	4.6H	4.6V	395			23.5	20.					
295.9	115.2	KGDM	CP	BPH970416IB	Pasco	WA	A	46.0547	119.1136	3RD	267C3	2.75H	2.75V	305			80.0	56.					
304.4	123.7	KGDM	LIC	BLH940927KC	Pasco	WA	A	46.1316	119.1120	3RD	267C3	10.5H	10.5V	-27			86.5	56.					
51.6	232.5	KATW	LIC	BLH851010KC	Lewiston	ID	A	46.2738	117.0100	2ND	268C1	100.H	100.V	258			122.0	79.					
291.6	110.6	KZXR	LIC	BLH901119KI	Prosser	WA	A	46.1112	119.4513	1ST	269C3	3.5H	3.5V	265			123.8	117.				C	
292.3	111.2	KZXRau	LIC	BMLH901119KJ	Prosser	WA	A	46.1205	119.4542	1ST	269C3	2.3H	2.3V	-78			124.9	117.				C	
COMMENT* This license is for an AUXILIARY facilities of KZXR, Prosser																							
142.1	323.6	KJHY	LIC	BLH910718KD	Emmett	ID	A	43.4518	116.0552	CO	270C	57.H	57.V	772			283.5	249.					
266.8	83.6	KINKFM	LIC	BLH860923KD	Portland	OR	A	45.3121	122.4446	CO	270C	100.H	100.B	510			350.7	249.					
10.4	190.8	KTSL	LIC	BLH970820KA	Medical L	WA	A	47.4211	117.4426	CO	270C2	28.5H	28.5V	198			216.7	190.					
COMMENTAccepted by Canada as Class B																							
315.8	134.2	KPOFM	LIC	BLH3856	Wenatchee	WA	A	47.1628	120.2530	1ST	271C	35.H	35.V	809			234.2	188.					
34.8	215.1	KZZM	CP	BPH970626ID	Dayton	WA	A	46.0904	117.5348	2ND	272A	0.57H	0.57V	322			49.5	55.				S	
COMMENTNotified as Class B1 to Canada 971231																							
19.6	199.8	KZZM	LIC	BLH970331KI	Dayton	WA	A	46.1931	117.5904	2ND	272A	6.0H	6.0V	-1140			63.6	55.					

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TABLE II (a)

FM COVERAGE

KZZM, WESTON, OR

CHANNEL NO. 270 C2

FREQUENCY 101.9 MHZ

CENTER OF RADIATION 1138.0 METERS AMSL

COORDINATES: 45-47-12 / 118-15-46

BEARING DEGREES *****		3-16 KM AVERAGE *****	C.R. HAAT *****	E.R.P. (KW) *****	DISTANCE TO CONTOURS (KM)	
					70.0	60.0

0.	*	736.9	401.1	35.	46.5	68.9
15.		845.9	292.1	35.	40.6	61.3
30.		905.5	232.5	35.	36.9	56.8
45.	*	1075.2	62.8	35.	20.1	34.3
60.		978.3	159.7	35.	30.9	50.2
75.		1217.4	-79.4 D	35.	13.8	24.6
90.	*	1376.9	-238.9 D	35.	13.8	24.6
105.		1321.7	-183.7 D	35.	13.8	24.6
120.		1132.1	5.9 D	35.	13.8	24.6
135.	*	1077.9	60.1	35.	19.8	33.6
150.		1001.7	136.3	35.	28.6	47.2
165.		1012.5	125.5	35.	27.7	45.5
180.	*	1134.6	3.4 D	35.	13.8	24.6
195.		956.2	182.8	35.	33.0	52.6
210.		826.5	311.5	35.	41.7	62.6
225.	*	833.0	305.0	35.	41.4	62.1
240.		893.6	244.4	35.	37.7	57.8
255.		807.9	330.1	35.	42.6	64.1
270.	*	794.5	343.5	35.	43.5	65.0
285.		765.2	372.8	35.	45.1	66.9
300.		722.6	415.4	35.	47.2	69.8
315.	*	651.7	486.3	35.	51.0	74.8
330.		635.4	502.6	35.	52.0	76.0
345.		694.4	443.6	35.	48.8	71.8
AVERAGE (8) * 960.1 177.9 Meters						
AREA IN SQUARE KILOMETERS					3748.	8619.

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TABLE 11 (b)

1990 CENSUS POPULATION EVALUATION

Job: NEWKZZM

File: NEWKZZM.CON

Contour: 60.000

Title: KZZM, WESTON, OR

Working on state: OR

TOTAL for	Umatilla County	34896
TOTAL for	Union County	1292
TOTAL for	Wallowa County	28

Total pop for state of OR is	36216
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Working on state: WA

TOTAL for	Benton County	1092
TOTAL for	Columbia County	436
TOTAL for	Franklin County	142
TOTAL for	Walla Walla County	47658

Total pop for state of WA is	49328
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TOTAL POPULATION	85544
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	TOTAL	ADULT
White	74763	56872
Black	956	770
Hispanic	7084	4295
Indian	1844	1244
Asian/Pacific	833	600
Other	64	37
TOTAL	85544	63818

TABLE III (a)

FM COVERAGE

KZZM CP - Dayton, WA

CHANNEL NO. 272 A

FREQUENCY 102.3 MHZ

CENTER OF RADIATION 1464.0 METERS AMSL

COORDINATES: 46-09-04 / 117-53-48

BEARING DEGREES *****		3-16 KM AVERAGE *****	C.R. HAAT *****	E.R.P. (KW) *****	DISTANCE TO CONTOURS (KM)	
					70.0	60.0
0.	*	776.1	687.9	0.57	24.1	42.3
15.		913.4	550.6	0.57	21.4	37.7
30.		1004.4	459.6	0.57	19.3	34.0
45.	*	1124.5	339.5	0.57	16.6	29.1
60.		1138.7	325.3	0.57	16.3	28.5
75.		1301.9	162.1	0.57	11.4	20.6
90.	*	1364.5	99.5	0.57	9.0	15.9
105.		1505.9	-41.9 D	0.57	4.8	8.9
120.		1452.1	11.9 D	0.57	4.8	8.9
135.	*	1398.3	65.7	0.57	7.2	12.9
150.		1518.7	-54.7 D	0.57	4.8	8.9
165.		1490.6	-26.6 D	0.57	4.8	8.9
180.	*	1584.1	-120.1 D	0.57	4.8	8.9
195.		1386.9	77.1	0.57	7.7	13.8
210.		1271.4	192.6	0.57	12.4	22.2
225.	*	1164.2	299.8	0.57	15.4	27.4
240.		1013.7	450.3	0.57	19.0	33.5
255.		948.1	515.9	0.57	20.6	36.2
270.	*	911.9	552.1	0.57	21.4	37.8
285.		862.6	601.4	0.57	22.5	39.4
300.		807.4	656.6	0.57	23.5	41.4
315.	*	807.1	656.9	0.57	23.7	41.4
330.		803.5	660.5	0.57	23.7	41.5
345.		795.6	668.4	0.57	23.8	41.7
AVERAGE (8) *		1141.3	322.7 Meters			
AREA IN SQUARE KILOMETERS					892.	2760.

Lechman & Johnson, Inc.

TABLE III (b)

1990 CENSUS POPULATION EVALUATION

Job: KZZMCP

File: KZZMCP.CON

Contour: 60.000

Title: KZZM CP - Dayton, WA

Working on state: OR

TOTAL for	Umatilla County	28
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Total pop for state of OR is	28
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Working on state: WA

TOTAL for	Columbia County	3793
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TOTAL for	Garfield County	31
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TOTAL for	Walla Walla County	29511
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Total pop for state of WA is	33335
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TOTAL POPULATION	33363
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	TOTAL	ADULT
White	29305	22437
Black	557	457
Hispanic	2817	1758
Indian	273	218
Asian/Pacific	380	276
Other	31	23
TOTAL	33363	25169

FIGURE 1

LECHMAN & JOHNSON, INC.
TELECOMMUNICATIONS CONSULTANTS

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FIGURE 1

LECHMAN & JOHNSON, INC.
TELECOMMUNICATIONS CONSULTANTS

MARCH 1998

FIGURE 1

LECHMAN & JOHNSON, INC.
TELECOMMUNICATIONS CONSULTANTS

MARCH 1998

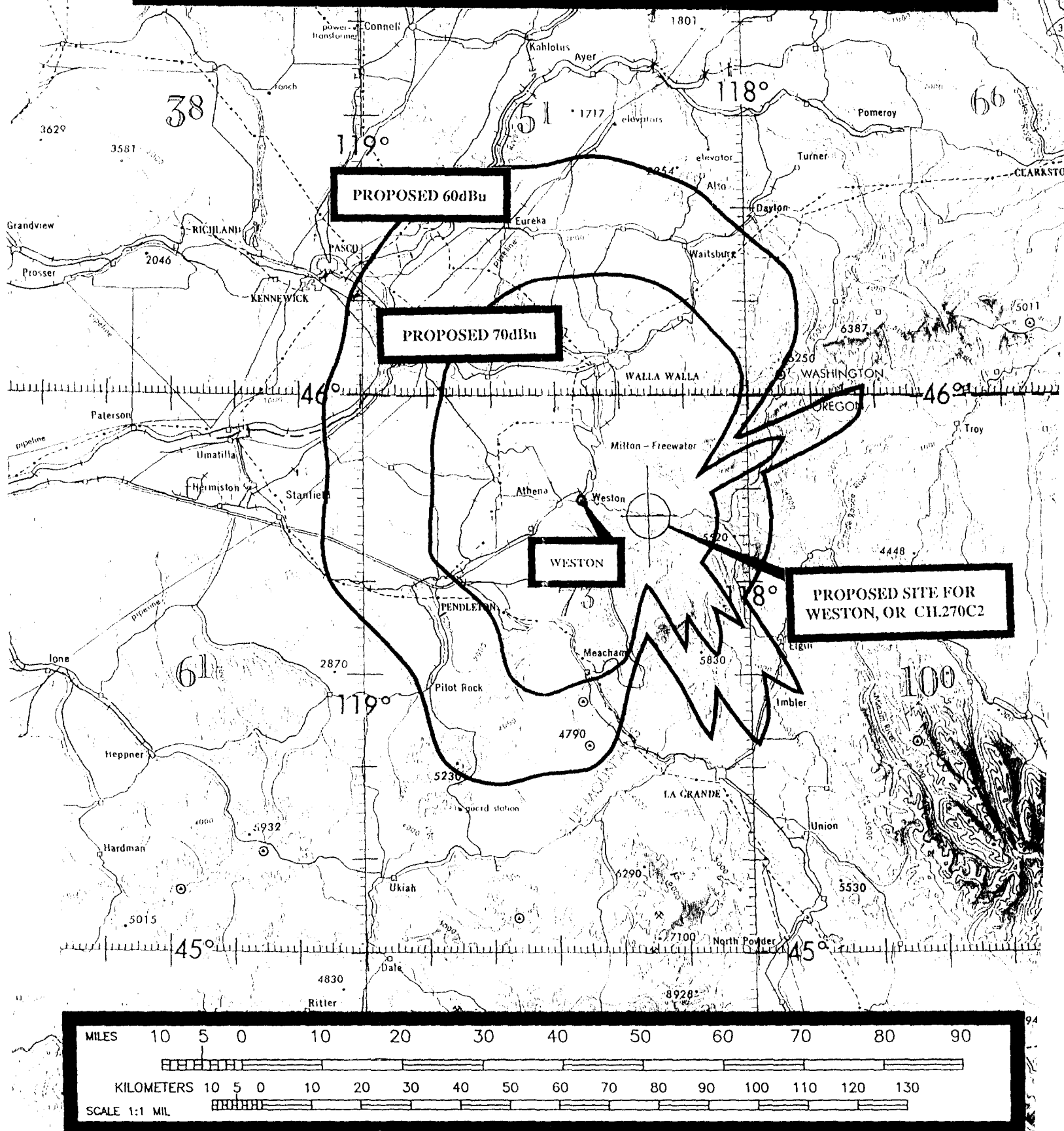


FIGURE 2

LECHMAN & JOHNSON, INC.
TELECOMMUNICATIONS CONSULTANTS

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